

Docket No.: 0175-0285P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Donald S. HARE et al.

Application No.: 10/089,446

Confirmation No.: 9413

Filed: December 18, 2002

Art Unit: 1752

For: DYE SUBLIMATION THERMAL TRANSFER
PAPER AND TRANSFER METHOD

Examiner: Schilling, R. L.

TERMINAL DISCLAIMER TRANSMITTAL

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is an executed Terminal Disclaimer in connection with the above-identified application.

The appropriate fee of \$65.00 (small entity) is also attached hereto.

Application No.: 10/089,446

Docket No.: 0175-0285P

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Dated: December 27, 2005

Respectfully submitted,



By  #42874

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Attachment(s)



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
0175-0285P

In re Application of: Donald S. HARE et al.

Application No.: 10/089,446-Conf. #9413

Filed: December 18, 2002

For: DYE SUBLIMATION THERMAL TRANSFER PAPER AND TRANSFER METHOD

The owner*, Foto-Wear, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** Nos. 6,358,660 and 6,410,200

as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** are presently shortened by any terminal disclaimer," in the event that said **prior patents** later:

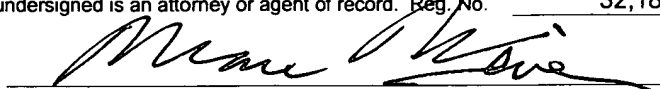
- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 32,181


Signature

December 27, 2005
Date

Marc S. Weiner
Typed or printed name

12/28/2005 SZEWDIE 00000114 10089446

02 FC:2814

65.00 DP

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.